

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

CHERYL LEWIS a/k/a CHERYL L. LEWIS a/k/a
CHERYL L. NIVENS,

Defendant,

-and-

MONTEFIORE MEDICAL CENTER,

Garnishee.

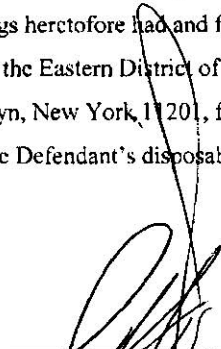
EX PARTE
NOTICE OF MOTION

Civil Action No.: CV-00-105

Hon. Allyne R. Ross

PLEASE TAKE NOTICE, that upon the annexed Declaration of Douglas M. Fisher, dated October 11, 2005 and upon the papers and proceedings heretofore had and filed herein, a motion will be made at the United States District Court for the Eastern District of New York, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, 11201, for an Order directing Garnishee pay to Plaintiff ten percent (10%) of the Defendant's disposable non-exempt earnings.

Dated: Albany, New York
October 11, 2005



Douglas M. Fisher (DF3129)
Solomon and Solomon, P.C.
Attorneys for Plaintiff
Office and P.O. Address
Columbia Circle, Box 15019
Albany, New York 12212-5019
Ph. (518) 456-7200

THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
THIS COMMUNICATION IS FROM A DEBT COLLECTOR.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

CHERYL LEWIS a/k/a CHERYL L. LEWIS a/k/a
CHERYL L. NIVENS.

Defendant,

-and-

MONTEFIORE MEDICAL CENTER,

Garnishee.

DECLARATION FOR ORDER
OF GARNISHMENT

Civil Action No.: CV-00-105

DOUGLAS M. FISHER, hereby declares as follows:

1. I am an attorney, duly admitted to practice before the U.S. District Court for the Eastern District of New York and I am associated with Solomon and Solomon, P.C., attorneys for Plaintiff, United States of America.
2. This action was commenced to recover a debt due and owing to Plaintiff, United States of America, in the amount of \$3,325.56 with interest from April 25, 2000 at the post-judgment interest rate of 6.197% compounded annually. Defendant has been personally served with the Writ of Garnishment herein as appears from the returns of service heretofore filed with the Clerk of this Court.
3. The time within which the Defendant, may request a hearing or file a claim for exemption with respect to the Writ of Garnishment herein has expired; said Defendant has not requested a hearing or filed a claim for exemption with respect to the Writ of Garnishment and the time for the Defendant to do so has not been extended.
4. Said Defendant, is not an infant nor incompetent. Defendant is not presently in the military service of the United States as appears from facts in a credit report prepared for this litigation.

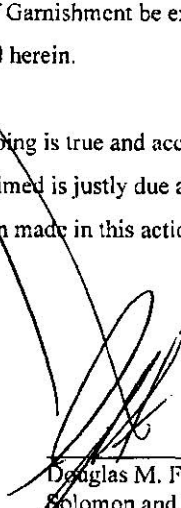
5. Said Defendant, is indebted to the Plaintiff, United States of America, in the following amount: \$3,325.56 with interest from April 25, 2000 at the post-judgment interest rate of 6.197% compounded annually less payments received post-judgment to date of \$420.00 for a balance due as of October 11, 2005 of \$4,246.74 plus interest.

6. Defendant is currently employed by Montefiore Medical Center with average net earnings of approximately \$1,098.01 bi-weekly (as more fully appears by the Answer of the Garnishee attached hereto as Exhibit "A"). Therefore, Plaintiff seeks an Order of Garnishment in the present amount of \$109.80 bi-weekly or ten percent (10.0%) to be paid bi-weekly.

WHEREFORE, Plaintiff, United States of America, requests that the garnishment of wages/account of Defendant be noted and that Order of Garnishment be entered in favor of Plaintiff and against the Defendant in the amount stated herein.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due and owing to Plaintiff, and that the disbursements sought to be taxed have been made in this action or will necessarily be made or incurred in this action.

Dated: Albany, New York
October 11, 2005



Douglas M. Fisher (DF3129)
Solomon and Solomon, P.C.
Attorneys for Plaintiff
Office and P.O. Address
Columbia Circle, Box 15019
Albany, New York 12212-5019
Ph. (518) 456-7200

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DM: POSTJUDG.10

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
Plaintiff,) CIVIL ACTION NO. CV 00 01 15
v.)
Cheryl Lewis, a/k/a,)
Cheryl L. Lewis)
a/k/a Cheryl L. Nivens)
Defendant(s),) HON. Allyne R. Rose
and)
Montefiore Medical Center)
Garnishee)

ANSWER OF THE GARNISHEE

_____, BEING DULY SWORN DEPOSES AND SAYS:
(Affiant)

IF GARNISHEE IS AN INDIVIDUAL:

That he/she is Garnishee herein doing business in the name
of

(State full name and address of business)

IF GARNISHEE IS A PARTNERSHIP:

That he/she is a member N/A of a
partnership composed of which Garnishee is a partner.

IF GARNISHEE IS A CORPORATION:

That he/she is the (State Official Title) N/A
of Garnishee, N/A a corporation, organized under
the laws of the State of _____.

On _____, 200____, Garnishee was served with the Writ of
Continuing Garnishment. For the pay period in effect on the date
of service (shown above)

RECEIVED TIME OCT. 10. 2:27PM

PRINT TIME OCT. 10. 2:29PM

Yes No

YES

1. Defendant was in my/our employ.

1a. The Defendant's last known home address is

2064 NOSTRAND AVE #2E, BROOKLYN, NY 11210

2. Pay period is weekly, ☒ bi-weekly, ☐ semi-monthly, ☐ monthly.

Enter date present pay period began. 9-12-05

(Present means the pay period in which this order and notice of garnishment were served)

Enter date above pay period ends. 9-24-05

3. Enter amount of net wages. Calculate below:

(a) Gross Pay	\$1437.13
(b) Federal income tax	203.76
(c) F.I.C.A. income tax	84.06
(d) State income tax	51.32
Total of tax withholdings	\$394.98

Net Wages (a less total of b,c,d) \$

4. Have there been previous garnishments in effect. If the answer is yes, describe below.

N/A

5. The Garnishee has custody, control or possession of the following property and/or funds (non-exempt), in which the Debtor maintains an interest, as described below:

N/A

\$37.50 TW

Property	Value	Debtor's Interest in Property
1. <u>N/A</u>		
2. <u>N/A</u>		
3. <u>N/A</u>		
4. <u>N/A</u>		

Garnishee anticipates owing to the judgment-debtor in the future, the following amounts:

Amount	Estimated date or Period Due
1. \$ <u>N/A</u>	
2. \$ <u>N/A</u>	
3. \$ <u>N/A</u>	
4. \$ <u>N/A</u>	

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

 The Garnishee makes the following claim of exemption on the part of Defendant: N/A

 Or has the following objections, defenses, or set-off to Plaintiff's right to apply Garnishee's indebtedness to defendant upon Plaintiff's claim: N/A

 The Garnishee was then in no manner and upon no account indebted or under liability to the Defendant, Cheryl Lewis, a/k/a, Cheryl L. Lewis, a/k/a Cheryl L. Nivans, and that the Garnishee did not have in his/her possession or control any property belonging to the Defendant, or in which the Garnishee has an interest, and is in no manner liable as

N/A

RECEIVED TIME OCT. 10. 2:27PM

PRINT TIME OCT. 10. 2:28PM

Garnishee in this action.

The Garnishee mailed a copy of this answer by first-class mail to (1) the Debtor, Cheryl Lewis, a/k/a, Cheryl L. Lewis, a/k/a Cheryl L. Nivens, 2054 Westrand Avenue Apt 2e, Brooklyn, NY 11210, and (2) the attorneys for the United States, Solomon and Solomon, P.C., Five Columbia Circle, Box 15019, Albany, NY 12212-5019.

Garnishee

Subscribed and sworn to before me this _____ day of _____, 200__.

Notary Public

My Commission expires: _____

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

Kathie Larkin

718-405-4696

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No.: CV-00-105

-against-

CHERYL LEWIS a/k/a CHERYL L. LEWIS a/k/a
CHERYL L. NIVENS,

Defendant,

-and-

MONTEFIORE MEDICAL CENTER,

Garnishee.

GARNISHEE ORDER

Whereas the Plaintiff by the Declaration of Douglas M. Fisher, Esq. dated October 11, 2005, on file herein, claims that said Defendant is indebted in the amount of \$3,325.56 with interest from April 25, 2000 at the post-judgment interest rate of 6.197% compounded annually. A Writ of Garnishment, directed to Garnishee, has been duly issued and served upon the Garnishee. Pursuant to the Writ of Garnishment, the Garnishee filed an Answer, stating that at the time of service of the Writ, he had in his possession or under his control personal property belonging to and due Defendant, and that Garnishee was indebted to Defendant, in the sum of approximately \$1,098.01 bi-weekly as a result of the Garnishees' employment of Defendant.


The Defendant, was notified of his/her right to a hearing and has not requested a hearing to determine exempt property.

IT IS ORDERED that Garnishee pay to Plaintiff ~~ten percent (10%)~~ *five percent (5%)* of the Defendant's disposable non-exempt earnings, presently in the sum of approximately \$109.80 bi-weekly making payments of said monies as directed by the Plaintiff, to pay to the Plaintiff any and all monies already withheld by Garnishee as required, and to continue said payments until the Defendant's debt to the Plaintiff is paid in full or until the Garnishee no longer has custody,

possession or control of any property belonging or owed to the Defendant, Cheryl Lewis a/k/a Cheryl L. Lewis a/k/a Cheryl L. Nivens or until further Order of this Court.. **The name of the Defendant, Cheryl Lewis a/k/a Cheryl L. Lewis a/k/a Cheryl L. Nivens and CIF Number C-97589 must be on the check.**

SO ORDERED,

Dated: Brooklyn, New York
Oct. 25, 2005


Honorable
United States District Court Judge

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cheryl Lewis, a/k/a, Cheryl L. Lewis,
Cheryl L. Nivens,

Defendant.

Civil Action No. CV 00-105

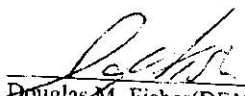
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Motion for Default &
Final Judgment has been mailed, on _____ to the following:

Cheryl Lewis, a/k/a, Cheryl L. Lewis, a/k/a,
Cheryl L. Nivens
2864 Nostrand Ave., Apt., 2E
Brooklyn, NY 11210

Signature:

Print Name:


Douglas M. Fisher (DF129)
Solomon and Solomon, P.C.
Attorney for Plaintiff
Five Columbia Circle, Box 15019
Albany, NY 12203
Tel. (518)-456-7200
Fax. (518)-456-0651